



Security Council

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Letter dated 13 July 2011 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

I transmit to you herewith a letter from His Excellency Sheikh Mohammad Al-Sabah Al-Salem Al-Sabah, the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, concerning the latest developments regarding Iraq's outstanding obligations pursuant to the Security Council resolutions relevant to the item on the situation between Iraq and Kuwait, which were adopted under Chapter VII of the Charter (see annex).

I should be grateful if you would have this letter and its annex issued as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mansour Ayyad SH A Alotaibi
Permanent Representative



Annex to the letter dated 13 July 2011 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

We should like to draw your attention to the latest developments concerning Iraq's outstanding obligations pursuant to Security Council resolutions relevant to the item on the situation between Iraq and Kuwait, which were adopted under Chapter VII of the Charter, and in particular resolutions 687 (1991), 833 (1993), 1284 (1999), and 1956 (2010).

In that connection, we should like to state the following.

The issues of the prisoners and the return of property and the national archive

The State of Kuwait highly values the constructive cooperation shown by the Government of Iraq to resolve this humanitarian issue within the framework of the Tripartite Commission and its Technical Subcommittee, under the auspices of the International Committee of the Red Cross, with a view to uncovering the fate of missing Kuwaitis and nationals of third States.

That cooperation made it possible to identify the remains of 236 out of 605 missing persons. However, since 2004, no progress has been made in discovering the fate of the remaining missing persons. We hope that cooperation will continue and intensify in the coming phase in order to implement the workplans and programmes to be determined by the relevant parties through the Technical Subcommittee.

The State of Kuwait welcomes the decision taken by the Security Council in informal consultations held on 22 June 2011 to extend the mandate of the High-level Coordinator, Ambassador Gennady Tarasov, to follow up the issue of missing persons and the issue of Kuwaiti property and the national archive, which has not seen any notable progress.

The State of Kuwait supports the continuation of the mandate of the High-level Coordinator in order to ensure implementation of the relevant Security Council resolutions, in particular resolution 1284 (1999). The State of Kuwait welcomes the press release issued by the Council on 22 June 2011, which urges the Government of Iraq to establish an inter-ministerial committee to follow the issue of the Kuwaiti national archives and other property, and to submit reports on the activities of that committee.

Maintenance of border markers

In accordance with Security Council resolution 833 (1993), the United Nations made the necessary arrangements to enact the Iraq-Kuwait boundary maintenance project. The first and second phases of the project, which consisted of preparations and planning, were completed over four years ago. However, the third and final phase, which consists of actual implementation of the project, has not been addressed. The United Nations has thus far been unable to continue fulfilling its functions for the following reasons.

- Iraq has not implemented the recommendations of the United Nations technical team, which visited the border area in February 2006 and requested that Iraq should remove all encroachments and obstacles on the borders, including those impeding visibility between the border markers.

— Since January 2010, the United Nations Secretariat has written to Iraq on several occasions, most recently in May 2011, requesting that it should pay its remaining share of the project costs, in the amount of \$600,000, and determine a start date for the final phase of the Iraq-Kuwait boundary maintenance project. However, despite repeated calls from the Secretary-General, Iraq has not responded to any of those letters and the project remains suspended. Two meetings between Kuwait and Iraq have taken place under the auspices of the United Nations, the first in New York in June 2007 and the second in Kuwait in October 2008. We hope that the United Nations will call for a third meeting of experts from Kuwait and Iraq with a view to resuming implementation of the project and informing the Security Council of developments.

The issue of compensation

Iraq continues to fulfil the obligations contained in the relevant Security Council resolutions with regard to compensation for those affected by Iraq's invasion of Kuwait in 1990. In accordance with those resolutions, a percentage of the proceeds from export sales of petroleum has been deducted and deposited in the Compensation Fund. That percentage has been reduced several times, most recently to 5 per cent in accordance with Security Council resolution 1483 (2003). Subsequent Security Council resolutions have reaffirmed that that percentage should continue to be deducted. Most recently, resolution 1956, paragraph 3 provided that 5 per cent of the value of any non-monetary payments of petroleum, petroleum products and natural gas made to service providers should be deposited in the Compensation Fund.

In 2008, the Governing Council of the United Nations Compensation Commission, called on Kuwait and Iraq to hold consultations under the auspices of the United Nations on the unpaid compensation balance. In implementation of that decision, a first round of consultations was held in May 2009 in Amman, Jordan. On its completion, an agreement was reached between the two sides to hold another round of discussions to examine the best way forward taking into consideration the interests of both countries. To date, Iraq has not responded to repeated letters from the Secretariat of the Compensations Commission regarding the convening of a second round.

We wish to emphasize our genuine desire to improve bilateral relations serving the interests of both countries and peoples and to consolidate neighbourly relations. We are confident that Iraq's implementation of its international obligations under the auspices of the United Nations, and its affirmation of its respect for and implementation of resolution 833 (1993), would constitute an important step in building confidence-building between the two countries, leading to a strong relationship based on respect for international law and the principle of non-interference in internal affairs.

In conclusion, we should like to reiterate that the State of Kuwait is fully prepared to provide Iraq with the necessary support and assistance in order to accelerate implementation of its remaining obligations under the relevant Security Council resolutions.

(Signed) Mohammad Al-Sabah Al-Salem **Al-Sabah**
Deputy Prime Minister and Minister of Foreign Affairs